

REMARKS

Claim 18 and 20 have been rejected under 35 U.S.C. § 102(e) over U.S. Patent 6,268,471 to Romeo. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

The present invention is directed to a method of identifying compounds capable of inhibiting the growth of pathogenic microorganisms by interfering with the activity of the ADP glucose pyrophosphorylase, when the method is particularly characterized by identifying compounds that bind to ADP glucose pyrophosphorylase (see claim 20). The Examiner will note that claims 18, 20 and 22 have been amended to specifically define that the compound to be identified interferes with the enzymatic activity by "binding to" the enzyme. This amendment is supported by various portions of the Specifications, including page 4, lines 18-21 which describe that the enzyme is the "target" for the inhibitor and original claims 25-27 which specifically recite the method as identifying test compounds which "bind to" the enzyme.

Romeo, on the other hand, does not describe any method for identifying compounds that bind to an enzyme as recited in the present claims. Romeo describes the method for modulation of *csrA* gene expression, and in this manner regulated expression of downstream metabolic products. In particular, Romeo describes a method of binding to the un-translated leader sequence of the *glgCAP*

transcript, which blocks the ribosome binding site and thus inhibits the initiation of glgC translation. But Romeo does not describe any method to identify compounds which bind to the enzyme as defined in the present claims.

Currently, Applicants submit that the present claims are clearly distinguished from Romeo, so that the rejection should be withdrawn.

Claims 18, 20, 22, 24 and 28 have been rejected under 35 U.S.C. § 102(b) over Dietzler et al. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

First of all, Dietzler et al. is not at all directed to a method for identifying compounds, particularly compounds for inhibiting the growth of pathogenic microorganisms. The Dietzler et al. publication merely relates to studies involving known ribonucleotide phosphates, particularly AMP and GTP.

Secondly, the Dietzler et al. studies are not all directed to screening for compounds which can inhibit the growth of pathogenic microorganisms. As described throughout the present Specification, the present invention is importantly directed to finding inhibitors which can be utilized for the treatment of infections of pathogenic microorganisms, thereby providing a therapeutic benefit to a patient. The Dietzler et al. studies, on the other hand, relate

simply to laboratory studies on non-hazardous strains of *E. coli*, particularly for the purposes of studying the regulation and physiological synthesis of glycogen, a microbial energy storage material. This understanding of the Dietzler et al. publication is supported by the enclosed Declaration of Dr. Robert Gunsalus, hereby submitted under 37 C.F.R. § 1.132. Dietzler et al. did not at all teach or suggest a screening method to identify compounds which importantly inhibit the growth of pathogenic microorganisms, thereby permitting the identification of therapeutically important compounds.

Currently, reconsideration and withdrawal of the rejection are requested.

In the above, it is submitted that the claims as amended clearly define and distinguish over the Examiner's cited references, so that the claims are now in condition for allowance.

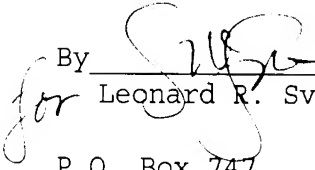
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at 714-708-8555 in Costa Mesa, CA to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 10/055,749

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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LRS/sbp
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Attachment(s): - Information Disclosure Statement
- PTO 1449 Forms (with References)
- Declaration of Dr. Robert Gunsalus